

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | |
| TABERNA CAPITAL MANAGEMENT, | : No. 08 Civ. 11355 (DLC) |
| LLC, and LARRY LATTIG, Litigation Trustee for | : |
| the First Magnus Litigation Trust, as Successor in | : |
| Interest herein to Taberna Capital Management, | : |
| LLC and The Bank of New York Mellon Trust | : |
| Company, N.A., in its Capacity as Trustee Under | : |
| The Indenture and Property Trustee for the | : |
| First Magnus TPS Trust | : |
| | : |
| | : |
| Plaintiff, | : |
| | : |
| - against - | : |
| | : |
| GURPREET S. JAGGI, | : |
| | : |
| Defendant. | : |
| -----X | |

**DECLARATION OF
G. TODD JACKSON, ESQ.**

G. TODD JACKSON declares pursuant to 28 U.S.C. 1746:

1. I am member of the law firm of Butler, Oden & Jackson, P.C., attorneys for Defendant Gurpreet Jaggi ("Jaggi") in the above-captioned action. I submit this declaration in support of Defendant's Motion for Summary Judgment.

2. Annexed to the Appendix of Exhibits¹ in Support of Defendant's Motion for Summary Judgment filed herewith as Exhibit A are true and correct copies of excerpts from the March 2, 2010 deposition of Jack Salmon in this action.

3. Annexed as Exhibit B are true and correct copies of excerpts from the June 24, 2010 deposition of Jack Salmon in this action.

4. Annexed as Exhibit C is a true and correct copy of excerpts from Plaintiffs' Response to Defendant's Second Requests for Admissions in this action.

¹ All further references to exhibits shall refer to the Appendix of Exhibits in Support of Defendant's Motion for Summary Judgment filed herewith.

5. Annexed as Exhibit D are true and correct copies of excerpts from the 2006 Form 10-K for RAIT Financial Trust, the parent company of plaintiff Taberna Capital Management, LLC, downloaded from the SEC website.

6. Annexed as Exhibit E are true and correct copies of excerpts from the July 22, 2010 deposition of Thomas Bogal in this action.

7. Annexed as Exhibit F are true and correct copies of excerpts from the June 23, 2010 deposition of Mitchell Kahn in this action.

8. Annexed as Exhibit G are true and correct copies of excerpts from the June 24 2010 deposition of Wade Vandergrift in this action.

9. Annexed as Exhibit H is a true and correct copy of Exhibit 1 to the deposition of Thomas Bogal, a Letter of Intent dated June 30, 2006.

10. Annexed as Exhibit J are true and correct copies of excerpts from the June 25, 2010 deposition of Douglas Lemke in this action.

11. Annexed as Exhibit R are is a true and correct copy of the July 23, 2008 declaration of Taberna Capital Management, LLC's Secretary, Raphael Licht, filed in support of Taberna Capital Management, LLC's Motion for Summary Judgment in the *In Re First Magnus Capital, Inc.* Chapter 11 bankruptcy proceeding in the United States Bankruptcy Court for the District of Arizona (the "FMCI Bankruptcy Proceeding"), and downloaded from PACER.

12. Annexed as Exhibit T are true and correct copies of excerpts from the August 18, 2010 deposition of Jasjit Chopra taken by the Litigation Trustee in *Lattig v. Jaggi, et.al.*, *Adversary No. 4:09-ap-00211-JMM*, an adversary action filed by the Litigation Trustee and currently pending against Defendant and others in the United States Bankruptcy Court, District of Arizona.

13. Annexed as Exhibit U are true and correct copies of excerpts from the June 4, 2010 deposition of Jaggi in this action.

14. Annexed as Exhibit V are true and correct copies of excerpts from the June 30, 2010 deposition of Nona Patronite in this action.

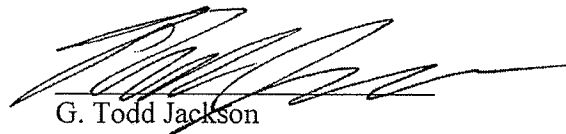
15. Annexed as Exhibit GG are true and correct copies of excerpts from the 2007 Form 10-K for RAIT Financial Trust, the parent company of plaintiff Taberna Capital Management, LLC, downloaded from the SEC website.

16. Annexed as Exhibit II are excerpts from the First Amended Disclosure Statement in Support of Debtor's Plan of Reorganization Dated May 29, 2008, filed in the Bankruptcy Proceeding.

17. Annexed as Exhibit JJ are excerpts from the August 21, 2007 Declaration of Jaggi in Support of Chapter 11 Petition and First Day Motions, filed in the *In Re First Magnus Financial Corporation* Chapter 11 bankruptcy proceeding in the United States Bankruptcy Court for the District of Arizona.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on October 22, 2010.


G. Todd Jackson